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not constitute value unless the holder parted with something, if not with the debt, at least with the right to sue upon it for some determinate period. *Bank of America v. Waydell*, 92 N. Y. Supp. 666.

CARRIERS—TICKET NOT CONCLUSIVE EVIDENCE OF CONTRACT OF CARRIAGE.—The station agent of defendant company sold plaintiff a ticket which had printed upon its face the words, "Station stamped on back," but the agent failed to stamp it. The plaintiff boarded defendant's train, and later when the conductor came, offered him the unstamped ticket. The conductor, in accordance with an order of the superintendent, refused to accept it, and upon failure of the plaintiff to pay cash fare he was ejected. Plaintiff brings this action for the wrongful expulsion. *Held*, plaintiff should recover damages resulting from such expulsion. *Norman v. Carolina Ry. Co.*, (N. C. 1913) 77 S. E. 345.

The rule obtains in a number of jurisdictions that the face of a ticket presented by a passenger is, as to the conductor, conclusive of the terms of the contract of carriage between the passenger and the railroad company, and hence, if the ticket does not entitle the passenger to be on the train, he must establish his right to be there by payment of fare, or submit to ejection. *Shelton v. Erie Ry. Co.*, 73 N. J. L. 558, 9 Ann. Cas. 899; *McGhee v. Reynolds*, 117 Ala. 413, 23 So. 68; *Morse v. Southern Ry. Co.*, 102 Ga. 302, 29 S. E. 865; *Pittsburg C. C. & St. L. R. Co. v. Daniels*, 90 Ill. App. 154; *Brown v. Rapid R. Co.*, 124 Mich. 591, 96 N. W. 925; *Townsend v. N. Y. Central Rd. Co.*, 56 N. Y. 295; *Cory v. Cincinnati, etc. R. Co.*, 3 Ohio Dec. (Reprint) 82; *N. Y., etc. Ry. Co. v. Bennett*, 50 Fed. 496; *McKay v. Ry. Co.*, 34 W. Va. 65; *Peabody v. Navigation Co.*, 21 Ore. 121. The reason for this rule, it has been stated, is found in the impossibility of operating railways on any other principle, taking into consideration the convenience and safety of other passengers, and the proper security of the company in collecting fares. But irrespective of the rule stated above, it is held that a passenger who has been ejected because the ticket presented by him is invalid, where such invalidity is due to the negligence of an agent of the carrier, may recover for injuries sustained by him by reason of such ejection. In some jurisdictions these damages are recoverable only in an action for breach of the contract to carry: *Lexington & E. R. Co. v. Lyons*, 104 Ky. 23, 46 S. W. 209; *Western Md. R. Co. v. Stocksedale*, 83 Md. 245, 34 Atl. 880; *McKay v. Ohio R. Co.*, 34 W. Va. 65. But in others, damages are recoverable in an action of tort for the ejection itself: *Ellsworth v. C. B. & Q. R. Co.*, 95 Ia. 98, 63 N. W. 584; *Yorkton v. V. M. S. S. & W. R. Co.*, 62 Wis. 370, 21 N. W. 516; *Head v. Ga. Pac. R. Co.*, 79 Ga. 358; *Louisville, etc. R. Co. v. Hine*, 121 Ala. 234, 25 So. 857; *Hot Springs R. Co. v. Deloney*, 65 Ark. 177, 45 S. W. 351; *Sloane v. Southern Cal. R. Co.*, 111 Cal. 668, 44 Pac. 320.

CONSTITUTIONAL LAW—RACE DISCRIMINATION IN SELECTION OF JURY.—Defendant, a negro charged with embezzlement, challenged the regular panel of jurors on the ground of discrimination against the negro race in its selection, and it was quashed. Then he challenged the special panel on the same